* BEFORE THE

* DEPUTY ZONING COMMISSIONER

Estate of Horace W. Tracev) * OF BALTIMORE COUNTY 7th Election District

3rd Councilmanic District * Case No. 93-263-SPH

Robert A. Diem, Personal Rep. * and Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Robert A. Diem, as Personal Representative, and the Contract Purchasers, James C. and Eleanor C. Lindsay. The Petitioners request approval of a non-density transfer of the subject property, consisting of 2.713 acres, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were James C. and Eleanor C. Lindsay, Contract Purchasers. The Petitioners were represented by William L. Balfour, Esquire. There were no Protestants.

Testimony indicated that the subject property consists of 2.713 acres, more or less, zoned R.C. 2 and is part of a larger tract owned by the Estate of Horace W. Tracey. Said property, identified as Parcel B on Petitioner's Exhibit 1, is located immediately adjacent to and southwest of a 25.857 acre tract owned by the Contract Purchasers, Mr. & Mrs. James Lindsay. Testimony indicated that the Lindsays are desirous of adding Parcel B to the 25.857 acre tract they own in hopes of preserving the wooded nature of the subject lot and to provide an additional buffer to their existing dwelling. All testimony presented at the hearing indicated that the subject property will be used strictly for agricultural purposes and shall not be considered at any time when calculating the density associated with the Lindsay property. The Petitioners asserted that the spirit and intent of the R.C. 2 regulations will be met by the granting of the relief requested herein.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare and is within the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 157 day of March, 1993 that the Petition for Special Hearing requesting approval of a non-density transfer of 2.173 acres (Parcel B of the Estate of Horace W. Tracey), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The relief granted herein is limited to the nondensity transfer of the subject 2.713 acre lot, identified as Parcel B on Petitioner's Exhibit 1. Said lot shall at all times be used strictly for agricultural purposes. Accordingly, any activity on the subject

- 2-

in the calculation of density units applicable to the Lindsay property.

> Deputy Zoning Commissioner for Baltimore County

TMK:bjs

property shall be in strict compliance with the Forest

3) At no time shall Parcel B be included as acreage

Conservation Act.

4) Within sixty (60) days of the date of this Order the Petitioners shall have recorded in the Land Records of Baltimore County a new deed incorporating the relief granted herein and the terms and conditions related to same. A copy of the recorded deed shall be submitted to the Zoning Administration Office for inclusion in this case file.

Very truly yours,

TIMOTHY M. KOTROCO

cc: Mr. & Mrs. James C. Lindsay P.O. Box 659, Parkton, Md. 21120

People's Counsel

TMK:bis

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

William L. Balfour, Esquire

120 E. Baltimore Street

Dear Mr. Balfour:

Ober, Kaler, Grimes and Shriver

Baltimore, Maryland 21202-1643

RE: PETITION FOR SPECIAL HEARING

Case No. 93-263-SPH

Management office at 887-3391.

in accordance with the attached Order.

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 93-263-5PH The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve non-density transfer from the Estate of Horace Wilson Tracey to James C. and Eleanor C. Lindsay for the reasons set forth in the attached statement.

Property is to be posted and advertised as prescribed by Zoming Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s):

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

SUS 93

James C. & Eleanor C. Lindsay (Type or Print Name) (Type or Print Name) Clian V. Kind P.O. Box 659 Parkton Maryland 21120 City and State Attorney for Petitioner: Suite 110

William L. Balfour (Type or Print Name) Louis L. Bell

Signature Ober, Kaler, Grimes & Shriver 120 E. Baltimore Street Baltimore, Maryland 21202-1643 City and State

Attorney's Telephone No.: (410) 347-7327

Ö 👸 🚵 CO.-Wa.1

REG.T

2-4-03

Robert A. Diem, Personal Representative of the Estate of Horace Wilson Tracey

221 S. Main Street (410) 879-2633 Bel Air, Maryland 21014

Name, address and phone number of legal owner, contract purchaser or representative to be contacted William L. Balfour Ober, Kaler, Grimes & Shriver .120_E__Baltimore_Street___(A10) 327-7327 Baltimore, MD 21202-1643

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of ______, 19_93_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Zoning Commissioner of Baltimore County.

ITEM # 272

93-263_SPH

STATEMENT TO ACCOMPANY PETITION FOR SPECIAL HEARING

Mr. and Mrs. James C. Lindsay have contracted to purchase the 2.173± parcel of land shown as "B" on the Plan accompanying this Petition from the Estate of Horace W. Tracey. As shown by the Plan, the Lindsay property is adjacent to parcel "B" and the Lindsay residence is in the immediate vicinity of parcel "B". Parcel "B" is a wooded piece of land and is unimproved. The Lindsays wish to purchase this parcel in order to insure that it will not be developed since any building on this parcel would be clearly visible from their residence and would depreciate the value of their home.

As shown by the Plan, the area of Parcel Two owned by the Tracey estate, of which parcel "B" is a part, is 114 acres ± and the area of the Lindsay property is 25.857 acres more or less. Thus the conveyance of 2.173 acres in a non-density transfer does not permit a resubdivision of the Lindsay property into a greater number of lots under the existing R.C. 2 zoning.

WLB:133566.1:01/22/93

93-263-SPH

ZONING DESCRIPTION ESTATE OF HORACE W. TRACY LOCATED ON DOWNES ROAD SEVENTH ELECTION DISTRICT THIRD COUNCILMANIC DISTRICT

- 3-

DESCRIPTION "B"

BEGINNING at a point in the center of Downes Road which has a paving width of 20 feet at a distance of approximately 2600 feet southeasterly of the centerline of Sampson Road which has a paving width of 24 feet. As recorded in Deed Liber 6785 Folio 143 contained within the following courses and distances.

1. N 52'09'10" E 412.83 feet: 2. S 00°12'53" E 609.71 feet; 3. 121.69 feet along the arc of a curve to the left having a radius of 210.00 feet and subtending a chord of N 31'39'18" W 119.91 feet:

4. N 48'15'18" W 99.67 feet; 5. 268.00 feet along the arc of a curve to the right having a radius of 2745.00 feet and subtending a chord of N 45°27'29" W 267.89 feet to the point of beginning.

CONTAINING 94,659 square feet or 2.173 acres of land more or



CERTIFICATE OF POSTING 93-2635PH JOHNS DEPARTMENT OF BALTIMORE COUNTY Tower, Maryland

District. 7 14	Date of Posting 2/17/93
Posted for: Special Hansing	
Potitioner: Subset Bloom, Estates of Location of property: ELS Down, Rd., 7	Horse W. Trung
Location of property: ELS DRIVES R.S.	600' 5/50m /soy Kd
ocation of Signer Ford Too dway	Day Broken to 10 to round
• //	

CERTIFICATE OF PUBLICATION

TOWSON, MD., ____

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 218

THE JEFFERSONIAN.

ITEM # 272

thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development

(410) 887-4386

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

above-captioned matter. The Petition for Special Hearing has been granted

able, any party may file an appeal to the County Board of Appeals within

Baltimore County Government

Office of Planning and Zoning

March 15, 1993

E/S Downes Road, 2600' S of the c/l of Sampson Road

Robert A. Diem, Personal Representative - Petitioner

7th Election District - 3rd Councilmanic District

(Parcel B, Estate of Horace W. Tracey)

Zoning Commissioner

Deputy Zoning Commissioner for Baltimore County



2,03 193 H9300272

asner validation

PUBLIC HEARING FEES PRICE 040 -SPECIAL HEARING (OTHER) \$250.00

LAST NAME OF CHNER: LINDSAY

04A04#0020HICHRC BA CO02:51PM02-04-93

10TAL: \$250.00

Zoning Administration & Development Management 11) Sect Garsagi also Assimis-for Sect Maryland 21204

Account: R-001-6150

receipt

0390340017MCCHRC \$40.2 Please Make Checks Payable To: Baltimore County

Maryland Department of Transportation

Hal Kassoff Administrator

O. James Lighthizer

2-12-93

Re: Baltimore County
Item No.: + 272 (K.T)

Ms. Julie Winiarski Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief Engineering Access Permits

My telephone number is 410-333-1350 Teletypewriter for Impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

DATE: 2-19-93

111 West Chesapeake Avenue Towson, MD 21204

Robert A. Diem, P.R. Estate Horace Wilson Tracey 221 E. Mains Street, #110 Bel Air, Maryland 21014

RE: CASE NUMBER: 93-263-SPH (Item 272) E/S Downes Road, 26001 +/- S of c/l Sampson Road 7th Election District - 3rd Councilmenic Legal Owner(s): Robert &. Diem, P.R. Estate of Horace Wilson Tracey Contract Purchaser(s): James C. Lindsey and Eleanor C. Lindsey HEARING: TUESDAY, MARCH 9, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 60.27 is due for advertising and posting of the above captioned property and bearing date.

THIS FEE MOST BE PAID AND THE ZONTING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

The Office of Planning and Zoning has no comments on the following petition(s):

If there should be any further questions or if this office can provide additional

information, please contact Jeffrey Long in the Office of Planning at 887-3480.

DATE: February 18, 1993

Arnold Jablon, Director

Development Management

PK/JL:lw

265.ZAC/ZAC1

Zoning Administration and

Pat Keller, Deputy Director

Office of Planning and Zoning

Item Nos. 265, 270, 271, 272, 273, 274, 277, and 278.

Petitions from Zoning Advisory Committee

cc: William L. Balfour

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

111 West Chesapeake Avenue

William L. Balfour, Esquire

120 E. Baltimore Street

Dear Mr. Balfour:

Baltimore, MD 21202-1643

Ober, Kaler, Grimes and Shriver

Fowson, MD 21204

FEBRUARY 10, 1993

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chasepeaks Avenue in Townen, Maryland 21204 Room 118, Old Courthouse, 400 Washington Avenue, Towson, Haryland 21204 as follows:

NOTICE OF HEARING

CASE #UMBER: 93-263-SPH (Item 272) E/S Downess Road, 2600' +/- S of c/l Sampson Road 7th Election District - 3rd Councilmenic Legal Owner(s): Robert &. Diem, P.R. Estate of Horace Wilson Tracey Contract Purchaser(s): James C. Lindsay and Eleanor C. Lindsay HEARING: TUESDAY, MARCH 9, 1993 at 2:00 p.m. in Rm. 118, Old Courthouse.

Special Hearing to approve a non-density transfer.

cc: Robert A. Dies

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: Feb. 18, 1993

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: Feb. 16, 1993

There are no Comments on item numbers 265, 266, 269, 270,271,272,273,274,277 and 278.

RJF/lvd

Baltimore County Government
Office of Zoning Administration and Development Management

March 3, 1993

RE: Case No. 93-263-SPH, Item No. 272

Petition for Special Hearing

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans

submitted with the above referenced petition. The attached comments

from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all

parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are

made aware of plans or problems with regard to the proposed

Enclosed are all comments submitted thus far from the members of ZAC

that offer or request information on your petition. If additional

comments are received from other members of ZAC, I will forward them to

you. Otherwise, any comment that is not informative will be placed in

the hearing file. This petition was accepted for filing on February

The following comments are related only to the filing of future

zoning petitions and are aimed at expediting the petition filing

1) The Director of Zoning Administration and Development

Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

improvements that may have a bearing on this case.

4, 1993, and a hearing was scheduled accordingly.

process with this office.

Petitioner: Robert A. Diem, Personal

Representative of the Estate

of Horace Wilson Tracey, et al

(410) 887-3353

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director DATE: February 22, 1993 Zoning Administration and Development Management

FROM: J. Lawrence Pilson Development Coordinator, DEPRM

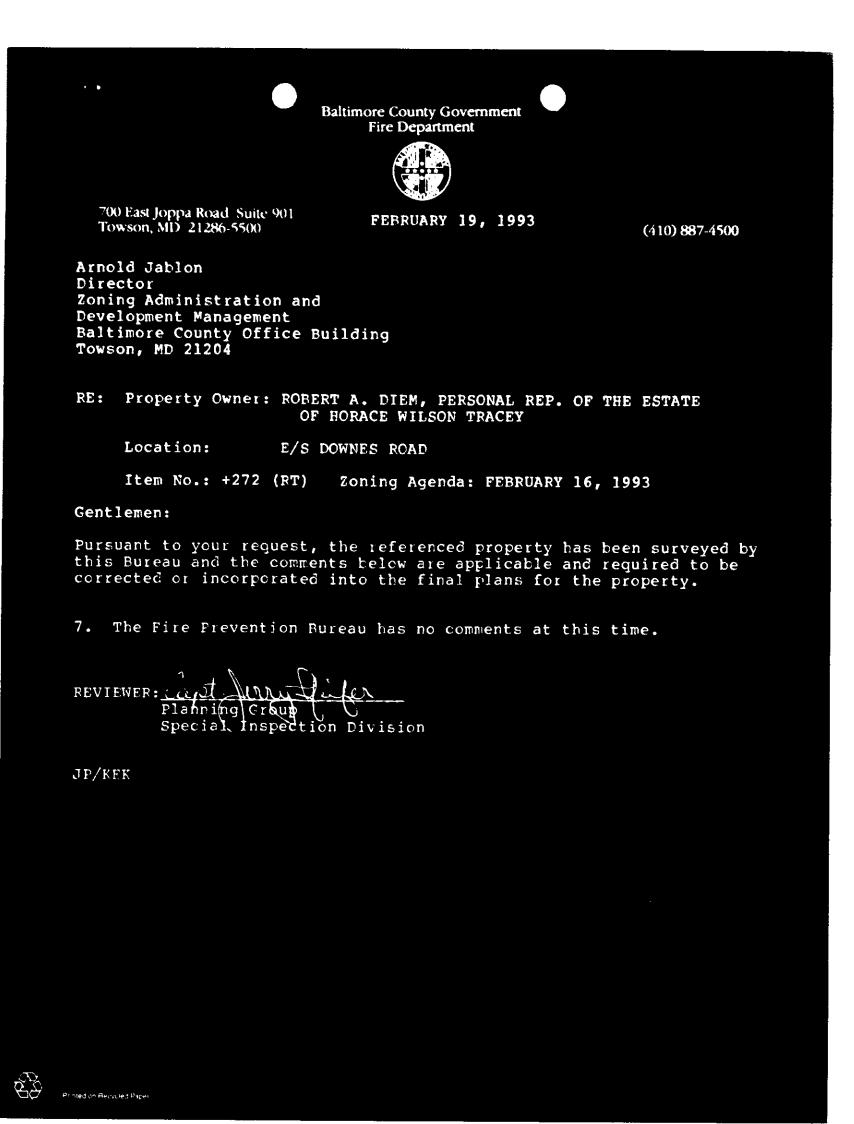
SUBJECT: Zoning Item #272 Tracey Property Zoning Advisory Committee Meeting of February 16, 1993

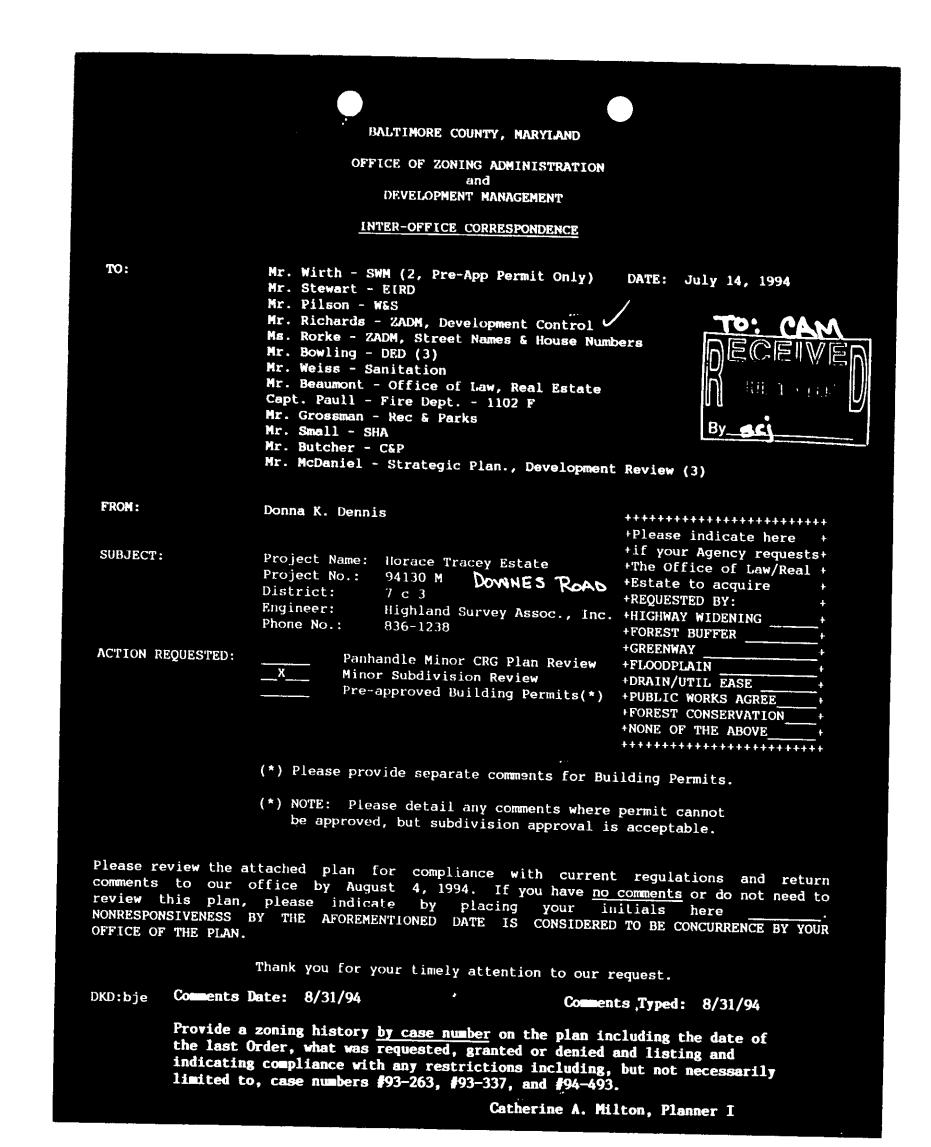
The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

The 2.2 acres in question is a quality oak forest remnant and should remain undisturbed. Restrictions on clearing should be considered, Las any activities on this property must be in compliance with the Forest Conservation Act.

TRACEY.ZNG/GWRMP

any reducte as regard





MIGHLAND SURVEY A	ssocials, inc.	LETTER OF TRANSMIT
4501 Fawn Great STREET, MARYLA	ND 21154	
	1	ATTENTION C TO NO. 92047
(301) 836		ATTENTION AS Tonguilia
Balto Country	ZADM,	
F ARE SENDING VOL 2	tached Under separate cover via	
		the following items:
□ Shop drawings □ Copy of letter	Prints Plans	Semples Specifications
	□ Change order	
COPIES DATE NO.		ESCRIPTION
12 1-1393	Plat To Accompany Spo	Al Harina
	Non Desity Transfer L	ands of Horace W. Tracey Estate
3 1-13-93	Zoning Description	"B" For Above
3		al Hearing
/ -	1967 Tax Map	
	200 Scale Zaning	ma Com
		Map (Composite)
ESE ARE TRANSMITTED as c	hacked helow:	
☐ For approval	☐ Approved as submitted	C. Brancharia
☐ For your use	☐ Approved as noted	☐ Resubmitcopies for approval
As requested	☐ Returned for corrections	□ Submitcopies for distribution
☐ For review and com		☐ Returncorrected prints
☐ FOR BIDS DUE		PRINTS DETUDING AFTER 1000
MARKS		PRINTS RETURNED AFTER LOAN TO US
	you have any gives	Lane love of
a call.		tions please give me
	<u> </u>	
_ <u>Q CGII</u> ,		Thomas
ų Œij,		Thanks,
- ц сан,		Thanks, Ecich Schreitt
- Q CGIII ,		
- Q CGIII ,		
Q CAII ,		
Y 10	SIGN	Ecich Schmitt

•		93-684
Op	BER, KALER, GRIMES & SHE	
	ATTORNEYS AT LAW	RIVER
	IZO EAST BALTIMORE STREET	11/93
	BALTIMORE, MARYLAND 21202-1643	\mathcal{S}
	(410) 685-1120	V
WILLIAM L. BALFOUR	FACSIMILE (410) 547 0699	OFFICES IN
DIRECT DIAL NUMBER	CABLE "RITNEY" TELEX 8 7774	WASHINGTON, D. C.
(410) 347-7327		NEW YORK NEW JERSEY
	February 10, 1993	
		1. 9/2
Baltimore County	Office of Zoning	12-263
Administration	and Development Managoment	
III w. Cnesapeax	(e Avenue (Room 109)	
Towson, Maryland	21204	
Attn: Mr. Regol	o Tanguilig	
Re: Non-De	ensity Conveyance from Tracey Est	ate to Lindsay
<u>Item N</u>	lo. 272	
Dear Mr. Tanguil	ig:	
this will be suf application itse	s a Power of Attorney which Mr. to me before they went to Florida fficient for your purposes. I all lf which was signed by the Lindsa we to be contacted in connection	a. I assume that lso note that the
	Sincerely,	
		/
	Lun 1 B.	
WLB/cjs		
Enclosure		
		7
		10) m = -
		/// 23 20 - 732
		55
		45,741
		7000 1093
WLB:138448.1:02/10/93	ξ.	Williams
		Wayne.
		V A Section

